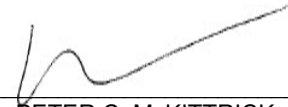


Below is an Order of the Court.


PETER C. MCKITTRICK
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In Re:

PETER SZANTO,

Debtor.

Bankruptcy Case
No. 16-33185-pcm11

PETER SZANTO,

Plaintiff,

v.

EVYE SZANTO, VICTOR SZANTO, NICOLE
SZANTO, KIMBERLEY SZANTO, MARIETTE
SZANTO, ANTHONY SZANTO, AUSTIN
BELL, JOHN BARLOW, and BARBARA
SZANTO ALEXANDER,

Defendants.

Adv. Proc. No. 16-3114-pcm

ORDER DENYING PLAINTIFF'S MOTION
TO REOPEN DISCOVERY AND MOTION FOR
EXTENSION OF TIME

On December 5, 2017, the court entered an order converting plaintiff's chapter 11 bankruptcy case, case no. 16-33185-pcm11, to a chapter 7 bankruptcy case. Case No. 16-33185-pcm11, Doc. 278. Stephen Arnot was appointed as the chapter 7 trustee. The claims of the debtor asserted in the above-captioned adversary proceeding are property of the chapter 7 estate and therefore are under the exclusive control and

1 possession of the trustee. On January 25, 2018, the chapter 7 trustee
2 filed a Notice of Intent to Abandon the claims in the adversary
3 proceeding. Id., Doc. 364. Debtor objected to the trustee's notice of
4 intent to abandon. Id., Doc. 388. Debtor's objection is set for
5 preliminary hearing on February 21, 2018.

6 On January 29, 2018, plaintiff Peter Szanto filed the Notice and 2nd
7 Motion to Reopen Discovery. ("Discovery Motion") Doc. 329. On the
8 assumption the abandonment would become effective on February 15th with
9 no objection, the court entered an order setting out a briefing schedule
10 on plaintiff's Motion such that the Motion would be ripe for
11 consideration and ruling shortly after abandonment. Doc. 335.
12 Subsequently, plaintiff filed a Motion for Extension of Time, doc. 337,
13 and a Supplemental Declaration Supporting 2nd Request to Reopen
14 Discovery, doc. 338.

15 The debtor does not have standing to file motions or other requests
16 for relief in this adversary proceeding unless and until the claims in
17 the adversary are abandoned. Now that it appears the court will not be
18 able to rule on the debtor's motion for several weeks, and in the
19 interests of justice,

20 IT IS HEREBY ORDERED that plaintiff's Motion to Reopen Discovery is
21 DENIED for lack of standing and without prejudice to refile in the event
22 that the above-captioned case is abandoned.

23 IT IS FURTHER ORDERED that plaintiff's Motion for Extension of Time
24 is DENIED as moot.

25 IT IS FURTHER ORDERED that, in the event the court rules that the
26 above-captioned adversary proceeding is abandoned, debtor must file his

1 renewed motion, if any, seven days from the date of any such order.
2 Such renewed motion shall contain all declarations, exhibits and
3 transcripts debtor wishes the court to consider. Defendants must file
4 their response, if any, seven days from the date of any motion filed by
5 debtor.

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7 Cc: All ECF participants
8 Mr. Szanto
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